

**COLORADO STATE BOARD OF PHARMACY**  
**December 12, 2011**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:40 a.m. on Monday, December 12, 2011 at 1560 Broadway, Conference Room 1250 C, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

**APPROVAL OF MINUTES**

The Board approved the minutes from the September 15, 2011 and November 14, 2011 meetings.

**APPEARANCES**

Rose McCool, Director of the Colorado Division of Registrations, thanked the Board members for their service to consumer protection. Ms. McCool announced that she is retiring after 20 years of service to the Division. Ms. McCool provided the Board a brief overview of the various challenges that have faced the Division over the past 10 years, what she and Division staff have done to address those challenges, and other challenges she anticipates the Division will face in future years.

**ADDITIONS**

- Case 2012-1555 & Meki L. Orr, R.Ph.
- Proposed Amendments to Board Policy 30-1 & Electronic Maintenance of Orders

**REPORTS**

**President's Remarks**

Ms. Dickerhofe stated that both she and Mr. Limberis attended the National Association of Boards of Pharmacy (NABP) / American College of Clinical Pharmacy (ACCP) District 6, 7, and 8 Meeting in October 2011. This meeting included, among other things, a discussion regarding the impact of communication technology on pharmacy practice, NABP's upcoming Continuing Pharmacy Education (CPE) Monitor program for pharmacists, Washington State's prescription monitoring program, and a continuing professional development pilot project currently in place in New Mexico.

The 2012 district meeting will be in Arkansas, and the 2013 meeting will be in Colorado.

**Program Director's Report**

Ms. Anderson announced that Health Information Designs has been selected as the new Prescription Drug Monitoring Program (PDMP) vendor to begin effective July 1, 2012. She thanked the members of the Request for Proposal (RFP) Committee who participated in the selection process.

Ms. Anderson also announced that effective January 12, 2012, carisoprodol will be federally reclassified as a schedule IV controlled substance.

Ms. Anderson informed the Board that the Colorado Department of Public Health & Environment (CDPHE) is soliciting support and enlisting stakeholders for the development of a sustainable, statewide program to collect and dispose of unused household medications. The Board directed its staff to find out from CDPHE what will be involved in being a stakeholder, and further authorized Ms. Anderson to involve the Board as a stakeholder if reasonable and practical.

Ms. Anderson presented the Board with a Board meeting schedule for 2012, 2013 and 2014. The Board noted the schedule.

Ms. Anderson presented the Board with the Board's 2011 Sunset Review dated October 14, 2011. The Board noted the review.

The Board reviewed proposed amendments to the following Board rules: 3.01.10(b) regarding packaging; 3.01.24(e)(2) regarding the electronic maintenance of packaging records; 4.01.00 regarding license transfer; 4.02.00 regarding licensure by examination; 4.03.00 regarding the reinstatement or reactivation of pharmacist licenses; 11.04.20(a) and (b) regarding the computer use with prescription order or long-term care facility chart order transactions; 21.00.00 regarding compounding; and 23.00.00 regarding the electronic prescription drug monitoring program. After careful consideration of the available information, the Board voted unanimously to table the proposed amendments to Board Rule 3.01.10(b), and to move all other proposed amendments to a future rules hearing.

Ms. Anderson also presented amendments to Board Policy 30-1 regarding the electronic maintenance of non-controlled and controlled substance orders by pharmacies. After careful consideration of the available information, the Board voted unanimously to approve of this policy as amended.

**Colorado Pharmacists Society (CPS) – Paul Limberis, RPh**

No report was presented at this meeting.

**Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

The GEEERC met on November 10, 2011. An exercise will be conducted to activate the group in the near future to simulate a real event. While there was a request for the GEEERC to deal with childhood obesity as an epidemic, the GEEERC questioned if childhood obesity is an emergency. When the committee was established, it was directed to specifically handle emergencies, and not directed to handle disease state management. The GEEERC discussed the inventory management of the Strategic National Stockpile.

Three subcommittees have been established to begin planning for an emergency. One subcommittee is developing plans for distributing controlled substances during an emergency, another is developing plans for gaining access to Colorado benefits management data, and the other is establishing emergency medical guidelines specifying service and protocols for people with a history of specific medical needs and how services will be provided in a sheltered situation.

While the next meeting of the GEEERC is scheduled for February 9, 2012, the committee is looking at using a webinar format for future meetings.

#### **Intern & School Relations – Jeannine Dickerhofe, RPh**

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that out of approximately 900 applicants, the school accepted 160 students into its next incoming class.

No report was provided by the Regis University School of Pharmacy.

#### **Legislation - Jeannine Dickerhofe, RPh**

Ms. Dickerhofe reported that the Colorado Pharmacists Society (CPS) Legislative Committee and the Colorado Pharmacy Coalition (CPC) have been meeting regularly to discuss the upcoming Pharmacy Sunset that will go through the Colorado Legislature in 2012. The latest meeting of the CPS Legislative Committee and the CPC was November 30, 2011, and the next meeting will be December 28, 2011 in preparation for the start of the legislative session for 2012.

The Colorado Medicaid Benefits Collaborative Statement: Immunization Services Version 2 was released. Two statements were included in that statement: (1) “pharmacists are not an eligible provider”; and (2) “pharmacies are not an eligible place of service.” Several letters were sent to the Colorado Department of Healthcare Policy and Financing asking that both of these statements be removed from the document.

#### **Inspectors**

##### **Yampa Valley Medical Center Pharmacy, PDO 114-3**

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding an August 2011 inspection of Yampa Valley Medical Center Pharmacy.

After due consideration of the available information, the Board voted unanimously to send the pharmacy a letter directing it to limit the distribution of prescription drugs and controlled substances to either other entities registered by the Board or to individual practitioners authorized by law to prescribe the drugs. The Board further directed the pharmacy to maintain complete, detailed and accurate records detailing all of its distribution activity. In addition, the Board voted unanimously to include an educational article regarding these topics in a future newsletter.

**Dr. Yelena (Elena) Anisimova, DR 41995**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Dr. Anisimova and the issuance of prescription orders, and voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter to the Colorado Medical Board for its review.

**Drug Procurement & Availability**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a registrant who procured a prescription drug from an unregistered source located outside of the United States due to a critical shortage of the drug in the United States.

After serious consideration of the available information, the Board voted unanimously to not take action on this matter.

**Pharmacist Manager Webinar**

Ms. Martin announced that the Board's inspectors will be hosting its next Pharmacist Manager Webinar on January 11, 2012.

**OLD BUSINESS**

**Stipulations**

**Buschmann, Teresa B., RPH 17826 & Case 2009-3744**

The Board reviewed a request by Ms. Buschmann to amend the terms of the Stipulation and Final Agency Order she entered into with the Board so that she could be employed as a pharmacist manager. The Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny Ms. Buschmann's request.

**Stofer, Carole, RPH 12498 & Case 2006-2629**

The Board reviewed a request by Ms. Stofer to be released from the terms of the Stipulation and Final Agency Order she entered into with the Board. The Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny Ms. Stofer's request.

**Wylie, Daniel L., RPH 15265 & Case 2010-0129**

The Board reviewed a request by Mr. Wylie for an extension of time to take and pass the Multistate Jurisprudence Examination (MPJE) and to complete the Professional and Problem Based Ethics (ProBE) Course. In addition, Mr. Wylie requested discretionary funds from the Board to cover the expenses of the examination and course.

The Board voted unanimously to deny Mr. Wylie's request, noting that at an earlier meeting, the Board had extended the period of time in order for him to complete both requirements.

## **Licensing**

### **Stephen M. Otis, Pharmacist Applicant by Endorsement**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Otis' pharmacist application by endorsement and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(c) and (g).

## **Miscellaneous**

### **Walgreens Drug Administration Program**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Walgreens Drug Administration Program and, after due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to obtain a legal opinion from the Colorado Attorney General's Office regarding the use a physician protocol by a pharmacy for addressing allergic reactions to administered drugs in general. The Board noted that a pharmacy cannot apply a physician protocol for addressing allergic reactions for immunizations to all other administered drugs, and that a valid, patient-specific prescription order should be obtained for any prescription drug to be administered or dispensed for the purpose of addressing allergic reactions to administered drugs other than immunizations.

## **NEW BUSINESS**

### **Complaints**

#### **All Around Feed & Farmacy, WHI 6082 2012-0677**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

#### **Broadway Pharmacy, Inc., PDO 104-5 2012-0589**

The Board voted by a majority vote to dismiss this case as being without merit. The Board also voted unanimously to refer the matter to the Colorado Medical Board for its review.

#### **Yoxey, Ronald W, RPH 8091 2012-0591**

The Board voted unanimously to dismiss this case as being without merit.

**Yoxey, Eric, J., RPH 14789** **2012-0592**

The Board voted unanimously to dismiss this case as being without merit.

**Macias, Noemi, RPH 15635** **2012-0601**

The Board voted unanimously to dismiss this case as being without merit.

**Colorado Springs Surgical & Supply Co. Inc., WHI 6004** **2012-0799**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Cystic Fibrosis Services, Inc. Pharmacy, PDO 37-53** **2012-1212**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Leong, Kwei, RPH 12657** **2012-1213**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Kaiser Permanente Automated Refill Center Pharmacy, PDO 7-56** **2012-0411**

Jeannine Dickerhofe, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**King Soopers Pharmacy # 52, PDO 7-6** **2012-0197**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to dismiss this case as being without merit.

**Mathews, Alex R., RPH 15449** **2012-0935**

Jeannine Dickerhofe, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**McClure, James, RPH 16526**

**2012-0537**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Mercy Regional Medical Center Pharmacy, PDO 655**

**2012-0260**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Baird, Maureen G., RPH 18558**

**2012-0261**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Ndikum, Hilda B., RPH 16654**

**2012-0177**

Jeannine Dickerhofe, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Rudolph, Norman E., RPH 15015**

**2012-0926**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Orr, Meki L., RPH 18887**

**2012-1555**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Sackey, George, RPH 15581**

**2012-1672**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline. The Board also voted unanimously to order Mr. Sackey to obtain an evaluation pursuant to C.R.S. 12-22-605(3) from the Pharmacy Peer Health Assistance Diversion Program.

**Safeway Pharmacy # 2910, PDO 80-15**

**2012-0253**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Sterling Grocery Mart Pharmacy, PDO 819** **2012-0612**

The Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 07022, PDO 511** **2012-0288**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case.

**Walgreen Pharmacy # 13636, PDO 758** **2012-0286**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case.

**Walgreen Pharmacy # 12769, PDO 796** **2012-0287**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case.

**Walgreen Pharmacy # 3589, PDO 79-20** **2012-0107**

The Board voted unanimously to dismiss this case as being without merit.

**Walgreen Pharmacy # 6344, PDO 11-18** **2012-0299**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case.

**Walgreen Pharmacy # 5621, PDO 24-112** **2012-0319**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case.

**Windsor Gardens Drug, PDO 263** **2012-0511**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.



## **LICENSING/REGISTRATION**

### **Caraco Pharmaceutical Laboratories LTD (Formally Sun Pharmaceuticals LTD), Out of State Prescription Drug Wholesaler Transfer of Ownership Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Caraco Pharmaceutical Laboratories out of state prescription drug wholesaler transfer of ownership application and, after due consideration of the available information, voted unanimously to table further consideration of this application pending receipt of additional information.

### **Jeanne Roble, Pharmacy Intern Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Jeanne Roble's pharmacy intern application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(b) and (c). The Board further noted that a provision in Ms. Roble's last Stipulation and Final Agency Order she entered into with the Board effective November 9, 2001 states that she will not reapply for licensure in this state until she has demonstrated successful, completed rehabilitation.

### **Havana Pharmacy and Medical Supply, Prescription Drug Outlet Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Havana Pharmacy and Medical Supply's prescription drug outlet application and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to issue the registration.

## **MISCELLANEOUS**

### **Correspondence, etc.**

#### **Correspondence to National Association of Board of Pharmacy (NABP) from Drug Enforcement Administration (DEA) regarding Changes to Controlled Substance Orders**

The Board noted the information.

#### **Correspondence between National Association of Boards of Pharmacy (NABP) and Institute for Safe Medication Practices (ISMP) regarding a Safety Matter**

The Board noted the information.

### **Required Review of Drug Therapy Management**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding registrant and licensee compliance with the drug therapy management rules over the past three years.

The Board noted the information.

**Correspondence from Express Scripts, Inc. (“ESI”) regarding Walgreens**

The Board noted the information.

**Self-Reported Discipline in Another State**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding the timely notification of a disciplinary action against a licensee’s license in another state. After serious consideration of the available information, the Board voted unanimously not to take action regarding this matter.

**Complaint for Board Consideration dated September 13, 2011**

After serious consideration of the available information, the Board voted unanimously to not take action as it does not have jurisdiction and further noted that the matter has been referred to the appropriate boards/programs.

**Complaint for Board Consideration dated September 22, 2011**

After serious consideration of the available information, the Board voted unanimously to not take action regarding this matter.

**Anonymous Complaint**

After serious consideration of the available information, the Board voted unanimously to not take action regarding this matter.

**National Association of Boards of Pharmacy (NABP) Community Pharmacy Accreditation**

The Board noted the information.

**Drug Enforcement Administration (DEA) Clarification on Electronic Prescriptions for Controlled Substances**

The Board noted the information.

**Authorities Perplexed by Drug Shortage Spike**

The Board noted the information.

**Quarterly Report Peer Assistance Services (PAS)**

The Board noted the information.

**Prescription Drug Monitoring Program (PDMP) Education and Research Agreement Request from Peer Assistance Services (PAS)**

After careful consideration of the available information, the Board voted unanimously to enter into another contract with PAS for two years.

**Self Report of Discipline from Medisca, Inc., WHO 7259**

After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to refer the matter for discipline.

**Self Report of Discipline from Prime Therapeutics, LLC, OSP 5694**

After serious consideration of the available information, the Board voted unanimously not to take action regarding this matter.

**EXECUTIVE SESSION**

At 12:50 p.m., Board President Jeannine Dickerhofe, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 4:15 p.m.

**Open Session**

**Case 2012-0559**

The Board voted unanimously to rescind its previous referral of this case for discipline and to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Case 2012-0070**

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Case 2012-0175**

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Case 2012-0467**

The Board voted unanimously to dismiss this case as being without merit. The Board also voted unanimously to initiate a complaint against the prescription drug outlet registration of Walgreen Pharmacy # 5645 (PDO 82-8).

**Case 2011-4686**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Case 2011-0616**

The Board voted unanimously to rescind its previous referral of this case for discipline and to dismiss the case.

**ADJOURNMENT**

The Board adjourned at 4:26 p.m.

*Approved by Jeannine Dickerhofe, R.Ph., President      Date: December 12, 2011.*